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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,642	01/14/2004	Yoshiharu Tajima	5261-005-US01	3943
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EXAMINER NGUYEN, TUAN HOANG				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 11/14/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,642

Applicant(s)

TAJIMA, YOSHIHARU

Examiner

TUAN H. NGUYEN

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Applicant amended claim 1 as the following "...updating the address of the packet, the address of the very packet received by the receiving...". Examiner think of claim 1 should read as the following "...updating the address of the packet, the address of the every packet received by the receiving...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession

of the claimed invention. Claim 1 is not properly described in the application as filed, and the specification was not contain a written description "... the address of the every packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal". Therefore, the amendment of the claimed raise an issue of new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S PAT. 6,661,999 hereinafter "Johnson") in view of Tari et al. (U.S PUB. 2003/00119486 hereinafter, "Tari").

Consider claim 1, Johnson teaches a radio base station apparatus comprising: a receiving section for receiving a packet via a radio transmission path from a terminal (col. 6 lines 23-44); a judging section for judging the packet received by the receiving

section, whether or not an address designating a transmitting end of the packet is in a predetermined range of addresses (col. 5 line 61 through col. 6 line 10).

Johnson does not explicitly show that a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true, and forwarding without updating the address of the packet, the address of the every packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal.

In the same field of endeavor, Tari teaches a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true (pages 5-6 [0063-0069]), and forwarding without updating the address of the packet, the address of the every packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal (pages 5-6 [0063-0069]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true, and forwarding without updating the address of the packet, the address of the every packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal, as taught by Tari, in order to provide a base station

wireless apparatus for transmitting a packet to which information is added so that the mobile wireless apparatus may preferably detect a nearer base station wireless apparatus around the periphery.

Consider claim 2, Johnson further teaches network interfacing section forwards a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (col. 5 line 61 through col. 6 line 10 and col. 6 lines 23-44).

Consider claim 14, Johnson further teaches the radio base station further comprising a monitoring section for gleaning transmission performance of a packet that arrives at the radio base station forming the adjacent wireless zone from a destination of the received packet, wherein network interfacing section forwards the arriving packet only to a radio base station at which the transmission performance gleaned by monitoring section exceeds a predetermined threshold value (col. 5 line 61 through col. 6 line 10 and col. 6 lines 23-44).

7. Claims 3-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Tari and further in view of Miyamoto et al. (U.S. PUB. 2002/0002063 hereinafter, "Miyamoto").

Consider claims 3 and 4, Johnson and Tari, in combination, fails to teach network interfacing section forwards the packet via a link when the judgment result is false, the

link being formed between the local station and another radio base station adjacent to the local station.

However, Miyamoto teaches network interfacing section forwards the packet via a link when the judgment result is false, the link being formed between the local station and another radio base station adjacent to the local station (page 9 [0184] and page 18 [0387]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Miyamoto into view of Johnson and Tari, in order to provide a radio base station equipment, radio terminal equipment and a mobile communication system each being capable of setting transmitting power of a radio channel allotted anew to a new visit-zone to an appropriate value without changing a basic hardware construction.

Consider claim 5, Miyamoto further teaches network interfacing section forwards the packet via a path when the judgment result is false, the path being formed between the radio base station and the radio base station forming the adjacent wireless zone (page 9 [0184] and page 18 [0387]).

Consider claim 6, Miyamoto further teaches network interfacing section forwards the packet via a path when the judgment result is false, the path being formed between the radio base station and the radio base station forming the adjacent wireless zone (page 9 [0184]).

Consider claim 7, Miyamoto further teaches link is formed for each group of radio base stations individually forming adjacent wireless zones (page 1 [0002]).

Consider claim 8, Miyamoto further teaches link is formed for each group of radio base stations individually forming adjacent wireless zones (page 1 [0002]). Consider claim 9, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and to the adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 9, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and to the adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 10, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to

determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 11, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 12, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 13, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a link to be used for forwarding a packet which has arrived from a destination

of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 15, Miyamoto further teaches the radio base station further comprising: a visiting base station determining section for determining one of the local station and the radio base station forming the adjacent wireless zone as a specific radio base station which is the one receiving a packet latest and/or receiving a packet at a highest level (page 9 [0185]); and a downstream packet transmitting section for judging whether or not the specific radio base station is the local station, and transmitting a packet transmitted from a destination of the received packet to the radio transmission path when the judgment result is true, and to the specific radio base station when the judgment result is false (page 9 [0184] and page 18 [0387]).

Consider claim 16, Miyamoto further teaches the radio base station further comprising: a downstream packet distributing section for distributing a packet transmitted from a destination of the received packet to the radio base station forming adjacent wireless zone (page 3 [0048]); and a downstream packet transmitting section for comparing the local station to the radio base station forming the adjacent wireless zone to judge whether or not the local station receives a packet latest at its receiving section and/or receives a packet at a highest level (page 9 [0185]), and transmitting the packet transmitted from the destination of the received packet to the radio transmission path only when the judgment result is true (page 9 [0184] and page 18 [0387]).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street
Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Egusa the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
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